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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,527	02/23/2000	Daniel Hoppa	559	4195

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EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
2684	12

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/511,527

Applicant(s)

DANIEL HOPPA, BERLIN WI

Examiner

Tilahun B Gesesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This is in response to applicant's amendment and argument filed April 28, 2004, in which 1-6, 8-10 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladner et al "Ladner" (5,594,425) in view of Boling et al "Boling" (6,226,510).

As to claim 1 and 4, Ladner discloses a personal safety signaling apparatus (figure 1 and #12) comprising: a first communication means (communication between portable and base station 16 of figure 1), the first communication means for transmitting an emergency radio signal (column 2, lines 63-67 and figure 1). Ladner discloses an

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activation means (items 58 and 62 for figure 4) for initiation said first wireless communication means (column 7, lines 35-42). Ladner discloses a first wireless link (figure 1) for receiving said emergency radio signal, (column 3, lines 1-11) the first wireless link capable of communicating the presence of emergency radio signal to a central monitoring station via a second wireless link (link between base station tower 16 and data processor station 18) (column 3, lines 4-11). Ladner discloses the central monitoring station (18) capable of determining the location of the first wireless link (12) via triangulation of the emergency radio signal, (column 1, lines 34-50 and column 3, lines 28-45) a the central monitoring staion (18) further capable of alerting an emergency response vehicle via another conventional alert method (responder 20) (column 3, lines 45-65 and figure 1). Ladner teaches the personal safety signaling apparatus (12) (column 7, lines 13-28).

Ladner does not expressly teach a traditional pager for personal safety signaling apparatus and incorporates the activation means located on a front panel and the activation means is prevented from accidental triggering via an activation means cover guard.

However, Boling teaches a traditional pager for personal safety signaling apparatus (10) and incorporates the activation means (20) located on a front panel and the activation means is prevented from accidental triggering via an activation means (20) cover guard (14) (column 3, lines 39-64 and figures 1-4). Since, Ladner, in similar art of endeavor, discloses buttons 56 and 58 are preferably recessed into the housing to reduce the likelihood of accidental activations (column 7, lines 13-28 and figure 1).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ladner and Boling in covering the actuating buttons, as taught by Boling, in order to prevent from accidentally pressing the buttons and generate false summon for help.

As to claims 2 and 5, Ladner does not expressly disclose microphone and audible input acquired by microphone. However, Boling discloses a microphone (24) (figure 1), a second wireless communication means (emergency phone and pager (10) capable of communicating audible input acquired by the microphone to the wireless link (column 4, lines 38-44 and figure 1). Since, Ladner, in the same field of endeavor, discloses transmitting alerting signal "emergency" to responder through the cellular network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ladner and Boling, in sending voice instead of alert signal, as taught by Boling, since, voice communication is descriptive than emergency signal in order to locate and rescue faster or quickly.

As to claim 3, Ladner discloses said first wireless link comprises a cellular telephone signal-receiving tower (16)(figure 1).

As to claim 6, Ladner discloses enclosure includes an activation means (60) located on a front panel thereof to facilitate operation of the personal safety signaling apparatus, and prevented from accidental triggering via an activation means cover guard (62) (figure 4 and column 7, lines 29-43).

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladner et al in view of Lepkofker (5,652,570).

As to claim 8, Ladner discloses a personal safety signaling apparatus (figure 1 and #12) comprising: a first communication means (communication between portable and base station 16 of figure 1), the first communication means for transmitting an emergency radio signal (column 2, lines 63-67 and figure 1). Ladner discloses an activation means (items 58 and 62 for figure 4) for initiation said first wireless communication means (column 7, lines 35-42). Ladner discloses a first wireless link (figure 1) for receiving said emergency radio signal, (column 3, lines 1-11) the first wireless link capable of communicating the presence of emergency radio signal to a central monitoring station via a second wireless link (link between base station tower 16 and data processor station 18) (column 3, lines 4-11). Ladner discloses the central monitoring station (18) capable of determining the location of the first wireless link (12) via triangulation of the emergency radio signal, (column 1, lines 34-50 and column 3, lines 28-45) a the central monitoring station (18) further capable of alerting an emergency response vehicle via another conventional alert method (responder 20) (column 3, lines 45-65 and figure 1). Ladner teaches the personal safety signaling apparatus (12) (column 7, lines 13-28). It is well known an emergency response being in a vehicle.

Ladner does not expressly disclose a wrist watch having ridged the activation means and having curved ridged ends defining opposed upper corners of the watch face.

However, Lepkofker teaches a wrist watch having ridged the activation means and having curved ridged ends defining opposed upper corners of the watch face

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(column 7, lines 12-column 8 line 36 and figure 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ladner and Lepkofker in utilizing wrist watch for alerting an emergency summon, as taught by Lepkofker, for easy access and carrying such personal safety emergency devices.

As to claim 9, Ladner does not teach a microphone and a second communication means capable of communicating audible input acquired by the microphone to the first wireless link. However, Lepkofler teaches a microphone and a second communication means capable of communicating audible input acquired by the microphone to the first wireless link (column 7, line 50-column 8, line 9 and figure 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ladner and Lepkofker in utilizing a microphone for response of an emergency summon, as taught by Lepkofker, for easy access and carrying such personal safety emergency devices.

Allowable Subject Matter

5. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach a pull clip placed on a side of the watch, the pull clip pulled to trigger transmission of a remote signal.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TBG

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May 24, 2004


TILAHUN GESESSE
PATENT EXAMINER